

need not evaluate these TCMs for purposes of the second element.

WDNR is currently working with the State Department of Transportation, SEWRPC, and the Lake Michigan Regional States to assess the emissions reductions and the need to implement TCMs to meet the post-1996 RFP and attainment demonstration for the area. The State is required to submit a list of TCMs used to meet the post-1996 and attainment requirements of the Act by November 15, 1994. This third element of the VMT offset SIP will be the subject of a future rulemaking.

II. Proposed Rulemaking

In this action, USEPA is proposing to approve the first two elements of the VMT offset SIP revision submitted by the State of Wisconsin. It is noted that the USEPA will not take final action on the second element until the State has submitted a complete 15 percent ROP plan. The third element of the Wisconsin VMT offset SIP will be the subject of a future rulemaking. Public comment is solicited on the request SIP revision and USEPA's proposed action. Comments received by February 9, 1995 will be considered in the development of USEPA's final rule.

Nothing in this action should be construed as permitting, allowing or establishing a precedent for any future request for revision to any SIP. USEPA shall consider each request for revision to the SIP in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

Procedural Background

This document has been classified as a Table 2 action by the Regional Administrator under the procedures published in the **Federal Register** on January 19, 1989 (54 FR 2214-2225), as revised by an October 4, 1993 memorandum from Michael Shapiro, Acting Assistant Administrator for Air and Radiation.

Administrative Requirements

Under the Regulatory Flexibility Act, 5 U.S.C. 600 *et seq.*, USEPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities. (5 U.S.C. 603 and 604.) Alternatively, USEPA may certify that the rule will not have a significant impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000.

The SIP approvals under section 110 and subchapter I, part D of the Act do

not create any new requirements, but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP approval does not impose any new requirements, I certify that this does not have a significant impact on small entities affected. Moreover, due to the nature of the Federal-State relationship under the Act, preparation of a regulatory flexibility analysis would constitute Federal inquiry into the economic reasonableness of State action. The Act forbids USEPA to base its actions concerning SIPs on such grounds. See *Union Electric CO. v. U.S.E.P.A.*, 427 U.S. 246, 256-66 (1976); 42 U.S.C. 7410(a)(2).

Executive Order 12866

The Office of Management and Budget has exempted this rule from the requirements of Executive Order 12866.

List of Subjects in 40 CFR Part 52

Environmental Protection, Air Pollution Control, Ozone.

Authority: 42 U.S.C. 7401-7671q.

Dated: December 19, 1994.

David A. Ullrich,

Acting Regional Administrator.

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BILLING CODE 6560-50-P

40 CFR Part 52

[IN42-1-6344; FRL-5136-5]

Approval and Promulgation of Implementation Plans; Indiana

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: On February 25, 1994, the State of Indiana submitted regulations as a revision to the ozone State Implementation Plan (SIP), governing the control of Volatile Organic Compound (VOC) emissions from graphic arts facilities, as part of the Reasonably Available Control Technology (RACT) Catch-up requirements. Amendments to the graphic arts operation regulation, Indiana Administrative Code 326 IAC 8-8-5 are intended to require existing graphic arts operations, which have the potential to emit 25 tons per year or more of VOC, to comply with VOC RACT regulations previously applicable to graphic arts operations with the potential to emit 100 tons per year or more of VOC. However, the graphic arts regulation contains insufficient recordkeeping and reporting requirements. Because the State has

committed to correcting this deficiency by January 31, 1996, USEPA is proposing conditional approval of this SIP revision request. If the State fails to correct the deficiency, the conditional approval will convert to a disapproval.

DATES: Comments on this revision request and on the proposed USEPA action must be received by February 9, 1995.

ADDRESSES: Copies of the SIP revision request and USEPA's analysis are available for inspection at the following address:

U.S. Environmental Protection Agency, Region 5, Air and Radiation Division (AR-18J), 77 West Jackson Boulevard, Chicago, Illinois 60604. (It is recommended that you telephone Rosanne Lindsay at (312) 353-1151, before visiting the Region 5 Office.)

Written comments should be sent to: J. Elmer Bortzer, Chief, Regulation Development Section, Regulation Development Branch (AR-18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Rosanne Lindsay at (312) 353-1151.

SUPPLEMENTARY INFORMATION:

I. Summary of State Submittal

The State of Indiana submitted a revision request for its Ozone SIP on February 25, 1994, amending the graphic arts rule. The amendments for graphic arts (326 IAC 8-5-5) function to reduce the source size applicability cut-off for graphic arts facilities located in the severe ozone nonattainment area (Lake and Porter Counties) from 100 to 25 tons of VOC per year (potential to emit) as required by the Clean Air Act (the Act), as amended in 1990. The USEPA, on May 17, 1993, commented on a draft version of this regulation, noting several deficiencies, including the lack of recordkeeping and reporting requirements to show compliance with the regulation required by section 182(b)(2) of the Act. The State of Indiana responded with a copy of the current recordkeeping and reporting rule (8-1-1), and stated that USEPA had not previously required any revisions of the rule based on numerous recent changes to the VOC Reasonably Available Control Technology (RACT) rules. The rules were adopted by the Indiana Pollution Control Board on June 2, 1993.

II. Analysis of State Submittal

The State of Indiana has corrected most of the deficiencies noted in the USEPA comments of May 17, 1993. However, the recordkeeping and

reporting requirements, contained in Title 326 IAC 8-1-2, do not provide for adequate enforcement of the graphic arts rule. Region 5 has provided the Indiana Department of Environmental Management with a copy of the June 1992 Model VOC Rules. The following deficiencies must be corrected in order for USEPA to take final action approving the rule:

1. General

(a) The monitoring, recordkeeping and reporting (MRR) requirements must be made more comprehensive to include more than: (1) Daily volume-weighted averages of all coatings applied in a coating or printing line; and (2) records of daily usage of gallons of solids coating and VOC content of each coating or ink solvent. For instance, when a source does not comply with daily weighted averaging (i.e., when the source complies with "complying coatings or inks" such as low VOC coating), then daily recordkeeping must be kept which specifies both the VOC content and the ink or coating identification. Alternatively, when a source complies by using control devices, then records of monitoring parameters and other information must also be kept (See (B) Sources Using Control Devices, below; See also, June 1992 Model VOC Rules).

(b) The MRR requirements, should specify a period of time (i.e., 5 years) during which records shall be maintained at the facility. The rules only require that: (1) The owner/operator "keep records to demonstrate compliance with the permit or document restrictions" (326 IAC 8-1-1); and (2) "records * * * shall be made available upon request" (326 IAC 8-1-2).

2. Sources Using Control Devices

The Indiana recordkeeping/reporting rules do not contain the requirement for the recordkeeping or reporting of new or existing control devices. Records and reports that should be maintained include monitoring data, calibration and maintenance logs, and logs of operating time. Indiana rule 326 IAC 8-1-2(7) only requires the maintenance of records of daily usage of gallons of solids coating, VOC content of each coating or ink solvent, and daily emissions in pounds of VOC (See June 1992 Model VOC Rules).

3. Exempt Sources

The Indiana rules do not require the maintenance of records and reports for exempt sources such as: Information pertaining to the initial certification, calculations demonstrating that total

potential emissions of VOC from all flexographic and rotogravure printing presses at the facility will be less than the required limits for each year, the maintenance of records for a period of 5 years, and the requirement that any exceedances will be reported to the Administrator within 30 days after the exceedance occurs (See Model VOC Rules). Exempt sources should calculate: (1) Yearly potential emissions, (2) yearly actual emissions, and (3) the name, identification, VOC content, and yearly volume of coatings/inks.

Based on EPA's preliminary analysis that the State's submittal was unapprovable, Indiana submitted to USEPA, a letter dated December 14, 1994, committing to the necessary rule revision. In accordance with an attached schedule, Indiana expects a final rule to be adopted and submitted to USEPA by January 1996.

III. Proposed Rulemaking Action and Solicitation of Public Comment

The USEPA has reviewed the Indiana graphic arts rule against the June 1992 Model Rule and is proposing a conditional approval because the State has committed to correct the rule so that it fully comports with the Federal requirements described above. Upon a final conditional approval by USEPA, if the State ultimately fails to meet its commitment to correct the deficiency, noted herein, by January 31, 1996, the date the State committed to in its commitment letter, then USEPA's action for the State's requested SIP revision will automatically convert to a final disapproval.

Public comments are solicited on the requested SIP revision and on USEPA's proposed conditional approval. Public comments received by February 9, 1995 will be considered in the development of USEPA's final rulemaking action.

This action has been classified as a Table 2 action by the Regional Administrator under the procedures published in the **Federal Register** on January 19, 1989, (54 FR 2214-2225), as revised by an October 4, 1993, memorandum from Michael H. Shapiro, Acting Assistant Administrator for Air and Radiation. The Office of Management and Budget (OMB) has exempted this regulatory action from Executive Order 12866 review.

Nothing in this action should be construed as permitting, allowing or establishing a precedent for any future request for revision to any SIP. Each request for revision to any SIP shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

Under the Regulatory Flexibility Act, 5 U.S.C. 600 et seq., USEPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities. (5 U.S.C. 603 and 604.) Alternatively, USEPA may certify that the rule will not have a significant impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000.

SIP approvals under section 110 and subchapter I, Part D of the Act do not create any new requirements, but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP-approval does not impose any new requirements, I certify that it does not have a significant impact on any small entities affected. Moreover, due to the nature of the Federal-State relationship under the Act, preparation of a regulatory flexibility analysis would constitute Federal inquiry into the economic reasonableness of State action. The Act forbids USEPA to base its actions concerning SIPs on such grounds. *Union Electric Co. v. U.S. E.P.A.*, 427 U.S. 246, 256-66 (S. Ct. 1976); 42 U.S.C. 7410(a)(2).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Volatile organic compounds.

Authority: 42 U.S.C. 7401-7671q.

Dated: December 29, 1994.

Valdas V. Adamkus,
Regional Administrator.

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40 CFR Part 70

[FRL-5136-6]

Operating Permits Program Rule Revisions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Extension of comment period for proposal to revise the operating permits program regulations.

SUMMARY: On August 29, 1994, EPA proposed in the **Federal Register** (59 FR 44460) revisions to the operating permits regulations in part 70 of chapter I of title 40 of the Code of Federal Regulations. The comment period provided in that notice was 90 days, closing on November 28, 1994. On November 21, 1994, a **Federal Register** notice was published (59 FR 59974)